



General Assembly

January Session, 2009

Raised Bill No. 824

LCO No. 2801

* ____SB00824ENV__031809__ *

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS
AND YACHT BROKERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-141 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 As used in this part, unless the context otherwise requires:
4 "Commissioner" means the Commissioner of Environmental
5 Protection; "vessel" means every description of watercraft, other than a
6 seaplane on water, used or capable of being used as a means of
7 transportation on water, exclusive of any such watercraft used
8 primarily for purposes of transporting commercial cargo; "motorboat"
9 means any watercraft fitted with propulsion machinery, whether or
10 not such machinery is the principal source of propulsion; "horsepower"
11 means the rated brake horsepower of an engine at maximum operating
12 revolutions per minute; "operate" means to navigate or otherwise use a
13 vessel; "person" means any individual, partnership, firm, association,
14 limited liability company, corporation or other entity; "owner" means a
15 person, other than a lien holder, having property in or title to a vessel.
16 The term includes a person entitled to use or possession of a vessel

17 subject to an interest in another person reserved or created by
 18 agreement and securing payment or performance of an obligation, but
 19 the term excludes a lessee under a lease not intended as security;
 20 "marine dealer" means a person engaged in the business of
 21 manufacturing, selling or repairing new or used vessels; [having an
 22 established place of business for the sale, trade, display or repair of
 23 motorboats;] "marine engine manufacturer" means a person engaged
 24 in the business of manufacturing, selling or repairing marine engines;
 25 [having an established place of business for the sale, trade, display or
 26 repair of marine engines;] "marine engine" means an engine
 27 manufactured for use or used in vessels; "marine surveyor" means a
 28 person who is certified by the National Association of Marine
 29 Surveyors or accredited by the Society of Accredited Marine Surveyors
 30 and who is engaged in the business of inspection, survey or
 31 examination of vessels or associated equipment to assess, monitor and
 32 report on the condition of the vessel or associated equipment; "yacht
 33 broker" means a marine dealer, as defined in this section, who, for
 34 compensation or an expectation of compensation, sells or negotiates to
 35 sell or offers to sell, buys or offers to buy, solicits or obtains listings of
 36 or negotiates the purchase, sale or exchange of vessels, but who is not
 37 an owner of such vessels; "federal Boat Safety Act of 1971" means an
 38 Act of Congress approved August 10, 1971, Public Law 92-75; and
 39 "boat livery" means a business that is engaged in the commercial rental
 40 of vessels, including, but not limited to, personal watercraft.

41 Sec. 2. Section 15-145 of the general statutes is repealed and the
 42 following is substituted in lieu thereof (*Effective July 1, 2009*):

43 (a) A marine dealer, [or] marine engine manufacturer or marine
 44 surveyor may obtain one or more marine dealer's registration numbers
 45 upon application to the Commissioner of Environmental Protection, [,
 46 and upon payment of a fee of fifty dollars for each number.]

47 (b) The commissioner may adopt regulations, in accordance with
 48 the provisions of chapter 54, to establish fees for: (1) Each marine
 49 dealer registration number issued, (2) application for such numbers, (3)

50 examination of a marine dealer, marine engine manufacturer or marine
 51 surveyor with respect to criteria for issuance of such numbers, and (4)
 52 issuance and display of marine dealer registration numbers. Such
 53 [funds] fees shall be deposited in the boating account of the
 54 Conservation Fund. Such application shall contain an affidavit stating
 55 that [(1)] (A) such marine dealer is a person engaged in the business of
 56 manufacturing, selling or repairing new or used vessels and that such
 57 person has an established place of business for the sale, trade, display
 58 or repair of such vessels, [or] unless specifically exempted in this
 59 subsection from the requirement to have an established place of
 60 business, [(2)] (B) such marine engine manufacturer is a person
 61 engaged in the business of manufacturing, selling or repairing marine
 62 engines and that such person has an established place of business for
 63 the sale, trade, display or repair of such engines, or (C) such marine
 64 surveyor is a person engaged in the inspection, surveying or
 65 examination of vessels and meets the definition of a "marine surveyor",
 66 as defined in section 15-141, as amended by this act. Yacht brokers
 67 shall not be required to have an established place of business. A
 68 marine dealer's, [or] marine engine manufacturer's or marine
 69 surveyor's registration certificate shall be denominated as such and
 70 shall state the dealer's, [or] engine manufacturer's or surveyor's name,
 71 residence address, business address, registration number, the
 72 expiration date of the certificate and such other information as the
 73 Commissioner of Environmental Protection may prescribe. The
 74 certificate, or a copy of the certificate, shall be carried aboard and shall
 75 be available for inspection upon each vessel which displays the marine
 76 dealer's, marine engine manufacturer's or marine surveyor's
 77 registration number whenever such vessel is in operation. A number
 78 or certificate may not be used on more than one vessel at a time. Each
 79 certificate shall be renewed on the first day of May of the year
 80 following the date of issue and shall expire on the last day of April of
 81 the year following such renewal, unless sooner terminated or
 82 surrendered. At least thirty days prior to the expiration date of each
 83 certificate, the Commissioner of Environmental Protection shall notify
 84 each marine dealer, [and] marine engine manufacturer and marine

85 surveyor of such expiration. Within ninety days before its expiration,
 86 each marine dealer's, [or] marine engine manufacturer's or marine
 87 surveyor's certificate may be renewed upon application and upon
 88 payment of the fee [provided in this section] prescribed by the
 89 commissioner pursuant to this subsection. Each registration number
 90 assigned to a marine dealer, [or] marine engine manufacturer or
 91 marine surveyor shall remain the same as long as such dealer, [or]
 92 manufacturer or surveyor continues, under the same name, in the
 93 business described in such dealer's, [or] manufacturer's or surveyor's
 94 application affidavit as required pursuant to this subsection.

95 [(b)] (c) A marine dealer's registration number shall be displayed in
 96 such manner as the Commissioner of Environmental Protection
 97 prescribes on vessels: [operated] (1) Operated for the purpose of sale,
 98 trade, repair or transport and on any vessel sold by such dealer for not
 99 more than five days after the date of such sale, [and] (2) on any vessel
 100 used by a marine engine manufacturer for the sole purpose of testing
 101 or demonstrating marine engines manufactured or repaired by such
 102 person, and (3) on any vessel used by a marine surveyor for the
 103 purpose of inspecting, surveying or examining such vessel or
 104 associated equipment to assess, monitor and report on the condition of
 105 such vessel or associated equipment. Any vessel displaying a marine
 106 dealer's registration number shall be presumed to be properly
 107 registered.

108 [(c)] (d) No marine dealer, [or] marine engine manufacturer [may]
 109 or marine surveyor shall (1) rent, or allow or cause to be rented, (2)
 110 operate, or allow or cause to be operated, for hire, or (3) use, or allow
 111 or cause to be used, for the purpose of conveying passengers or
 112 merchandise or freight for hire, any vessel registered with a marine
 113 dealer's, [or] marine engine manufacturer's or marine surveyor's
 114 number and certificate. No marine dealer or marine engine
 115 manufacturer may loan a number certificate to any person except (A)
 116 for the purpose of demonstrating a vessel; (B) when a vessel owned by
 117 or lawfully in the custody of such person is undergoing repairs; or (C)
 118 when such person has purchased a vessel, the registration of which has

119 not yet been completed and in any case for not more than five
 120 consecutive days. Each marine dealer or marine engine manufacturer
 121 shall keep a record of each loaned number certificate showing the date
 122 loaned, the vessel hull identification number (HIN) of the vessel on
 123 which such number is displayed, the date returned and the name and
 124 address of the person operating any vessel with such loaned number
 125 certificate. Such dealer or engine manufacturer shall give a copy of this
 126 record to each person to whom such number certificate is loaned,
 127 which copy shall be carried in the vessel at all times when operated.
 128 This record shall be retained by the dealer or engine manufacturer for
 129 a period of six months from the date on which the number certificate
 130 was loaned and such record shall be available during business hours
 131 for examination by any police officer, marine officer or conservation
 132 officer. A marine surveyor shall not loan a number certificate to any
 133 person.

134 [(d)] (e) Any marine dealer may operate, or cause to be operated by
 135 a bona fide full-time employee, a vessel with a marine dealer's
 136 registration number (1) while a potential purchaser or customer is
 137 aboard, (2) when running a new vessel from an import terminal to the
 138 dealer's place of business, (3) when test running a new vessel after
 139 receiving it from the manufacturer, (4) when delivering a sold vessel to
 140 the new owner, (5) when running a trade-in vessel from a buyer, (6)
 141 when test running a trade-in vessel before it is made available for sale,
 142 (7) when running a vessel to, and using a vessel in, a fishing
 143 tournament, (8) when test running a vessel after repairs, maintenance
 144 or winter storage, (9) when used in connection with the business of the
 145 marine dealer, (10) when running the vessel to obtain or deliver parts
 146 for the repair of the vessel or another vessel, and (11) for the personal
 147 use of the marine dealer. Any marine surveyor may operate, or cause
 148 to be operated by a bona fide full-time employee, a vessel with a
 149 marine dealer's registration number when performing an inspection,
 150 survey or examination of such vessel or associated equipment
 151 provided the marine surveyor has been contracted by written
 152 agreement to perform such work and a copy of the written agreement

153 is carried on the vessel while the marine surveyor's registration
 154 number is displayed on the vessel. Each marine dealer and marine
 155 surveyor shall maintain a record of the following: (A) Each marine
 156 number certificate issued by the commissioner to such dealer, (B) the
 157 name, address and occupation of any bona fide full-time employee to
 158 whom such certificate has been assigned, (C) the date of assignment of
 159 such certificate, and (D) the exact location of each unassigned
 160 certificate. For the purposes of this subsection, "bona fide full-time
 161 employee" means a person who is employed by a marine dealer or
 162 marine surveyor for not less than thirty-five hours per week and who
 163 appears on the records of such marine dealer as an employee for
 164 whom tax is withheld for Social Security, federal income tax and any
 165 other withholding or deductions from salary required by law.

166 [(e)] (f) No person may use a vessel with a marine dealer's₂ [or]
 167 marine engine manufacturer's or marine surveyor's registration
 168 number for any purpose other than the purposes described in this
 169 section. The commissioner may revoke any marine dealer's₂ [or]
 170 marine engine manufacturer's or marine surveyor's registration
 171 number under this section if any vessel with a number issued to such
 172 dealer₂ [or] engine manufacturer or surveyor is used in violation of this
 173 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	15-141
Sec. 2	<i>July 1, 2009</i>	15-145

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Sec. 2	<i>July 1, 2009</i>	15-145

ENV *Joint Favorable*